

SM Exhibit BV

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 - - - - -
5 ADRIAN SCHOOLCRAFT,
6 Plaintiff,
7 -against- Index No.
10CIV-6005 (RWS)

8
9 THE CITY OF NEW YORK, DEPUTY CHIEF
MICHAEL MARINO, Tax Id. 873220,
Individually and in his Official
10 Capacity, ASSISTANT CHIEF PATROL
BOROUGH BROOKLYN NORTH GERALD NELSON,
11 Tax Id. 912370, Individually and in his
Official Capacity, DEPUTY INSPECTOR
12 STEVEN MAURIELLO, Tax Id. 895117,
Individually and in his Official
13 Capacity, CAPTAIN THEODORE LAUTERBORN,
Tax Id. 897840, Individually and in his
14 Official Capacity, LIEUTENANT JOSEPH
GOFF, Tax Id. 894025, Individually and
15 in his Official Capacity, stg. Frederick
Sawyer, Shield No. 2576, Individually
16 and in his Official Capacity, SERGEANT
KURT DUNCAN, Shield No. 2483,
17 Individually and in his Official
Capacity, LIEUTENANT TIMOTHY CAUGHEY,
18 Tax Id. 885374, Individually and in his
Official Capacity, SERGEANT SHANTEL
19 JAMES, Shield No. 3004, and P.O.'s "JOHN
DOE" 1-50, Individually and in their
20 Official Capacity (the name John Doe
being fictitious, as the true names are
21 presently unknown)(collectively referred
to as "NYPD defendants"), JAMAICA
22 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,
Individually and in his Official
23 Capacity, DR. LILIAN ALDANA-BERNIER,
Individually and in her Official Capacity
24 and JAMAICA HOSPITAL MEDICAL CENTER
EMPLOYEES "JOHN DOE" # 1-50, Individually

25
(Continued)

1
2 and in their Official Capacity (the name
3 John Doe being fictitious, as the true
4 names are presently unknown),
5
6 Defendants.

- - - - -x

6
7 444 Madison Avenue
8 New York, New York
9 December 20, 2013
10 10:16 a.m.

9
10 VIDEOTAPED DEPOSITION of DEPUTY
11 INSPECTOR STEVEN MAURIELLO, one of the
12 Defendants in the above-entitled action,
13 held at the above time and place, taken
14 before Margaret Scully-Ayers, a Shorthand
15 Reporter and Notary Public of the State
16 of New York, pursuant to the Federal
17 Rules of Civil Procedure.

18
19 * * *
20
21
22
23
24
25

1 S. MAURIELLO

2 That's when I'm saying that, that has the
3 retribute [sic] going back. There was
4 more to this roll call....

5 Q. The reference to the wolves is
6 investigations?

7 A. Investigations. That instance
8 where cops should have been doing things
9 by the book and they didn't.

10 Q. What is the reference to Chief
11 Marino pulling activity reports, what are
12 you referring to there?

13 A. The end of the year he does a
14 review of everybody's evaluation. He
15 wants to make sure not only is the CO
16 looking at it, he wants to make sure the
17 supervisors are properly looking at the
18 officers and the same thing, wants to
19 make sure the lieutenants properly
20 looking at the sergeants with their
21 evaluations. And I want to make sure I'm
22 looking at the lieutenants, my captain is
23 looking at them.

24 I'm trying to give them
25 motivation. It's the end of the year,

1 S. MAURIELLO

2 Q. I'm going to show you Exhibit
3 51. It's a performance evaluation of
4 Officer Schoolcraft.

5 MR. SMITH: For the record, this
6 is Bates-stamped D70 through 72.

7 MS. PUBLICKER METTHAM: I will
8 note, I believe that was produced
9 confidentially, but it's plaintiff's
10 own performance evaluation so if you
11 have no objection to the
12 confidentiality designation being
13 removed, neither do City defendants.

14 MR. KRETZ: Nor do we.

15 MR. SMITH: I don't have any
16 objection.

17 Q. Have you seen this document
18 before, Inspector?

19 A. Yes.

20 Q. Did you review this document at
21 the time of your conversation with
22 Sergeant Stukes about Officer
23 Schoolcraft's 2008 performance?

24 A. Yes, but I believe I didn't
25 review it already. They did it, and they

1 S. MAURIELLO

2 had to do it over again where I'm the
3 reviewer.

4 Q. Can you explain that to me
5 slowly?

6 A. I'm reviewing it when it's 2.5.
7 That's the get-go. He's telling me 2.5.
8 I may have to go on the bottom. Now we
9 were going to do an appeal.

10 When they were doing their
11 evaluations at the end of December,
12 Lieutenant Delafuente has been the
13 reviewing officer all year. He's platoon
14 commander. So I have no input on any of
15 the evaluations all year. Now at the end
16 of year, it's becoming 2.5. Now I'm
17 become the reviewer.

18 MR. KRETZ: Off the record.

19 [Discussion held off the
20 record.]

21 Q. I'm going to show you what was
22 previously marked as Plaintiff's Exhibit
23 21. This is a collection of monthly
24 performance reports by Officer
25 Schoolcraft with comments by his

1 S. MAURIELLO

2 supervisors at the eight one.

3 MS. PUBLICKER METTHAM: This was
4 produced confidentially. As it's
5 plaintiff's own performance
6 evaluation, if you like it to be
7 designated nonconfidential, I have no
8 objection to that.

9 MR. SMITH: I don't see any
10 reason to designate this section of
11 the transcript as confidential.

12 MS. PUBLICKER METTHAM: The
13 exhibit is confidential. If you like
14 to designate the exhibit as
15 nonconfidential, the City defendants
16 have no objection.

17 MR. SMITH: That's fine with me.

18 Q. Are you familiar with the
19 monthly reports that are part of Exhibit
20 21, Inspector?

21 A. Yes.

22 Q. When Officer Schoolcraft's
23 performance was first hitting your radar,
24 were any of these documents the documents
25 that you were looking at?

1 S. MAURIELLO

2 A. Yes.

3 Q. Are these in fact the regular
4 quarterly reviews that we were talking
5 about on Officer Schoolcraft that you had
6 previously identified and mentioned in
7 your testimony?

8 A. Yes.

9 Q. Did you have any role in
10 preparing any of these monthly reports?

11 A. No.

12 Q. Did you have any role in
13 reviewing them as they were being
14 created?

15 A. I might have on a monthly --
16 they would have the quarterlies. They
17 would have the names of people by squad,
18 the whole precinct, but I never had
19 anything to do with them, with the
20 quarterly, looking at it and review it.

21 There is a recap sheet that the
22 sergeant does, crime analysis sergeant,
23 does every month.

24 MR. SMITH: I'm not sure if
25 that's been produced. I don't think

1 S. MAURIELLO

2 They have an appeal board like I went the
3 year before with people that get 2.5.

4 Chief Marino has an appeal
5 board with borough inspectors and they
6 bring in ICO and the CO. I guess that
7 was the recommendation when they went in
8 to transfer him.

9 Q. I'm not sure I understand. I
10 will try to ask a more clear question.

11 Is that your signature on the
12 last page of that document?

13 A. Yes.

14 Q. Did you sign this document on
15 April 27th, 2009?

16 A. Yes. I believe I signed the
17 document the day he appealed it, you
18 know, we all signed it that February.

19 Q. So why is it -- is that your
20 handwriting --

21 A. Yes.

22 Q. -- next to your signature where
23 it gives the date 4/27/09?

24 A. Yes.

25 Q. Why did you date it 4/27/09?

1 S. MAURIELLO

2 A. It was dated I believe back in
3 February. When you appeal you send the
4 evaluation over to the borough 'cause the
5 higher borough has to do it. It was sent
6 over to the borough. I don't know the
7 reason why another one had to be done.

8 We also give Officer
9 Schoolcraft the information to do what he
10 had to do to write a letter. The first
11 time he wrote a letter was September. I
12 don't know why. This is dated April. I
13 don't know if they lost the letter,
14 didn't want to do it over again, whether
15 it was dated. He signed it in the
16 office. Everybody signed it. He's
17 appealing it. It was well known he was
18 going to appeal it. And we sent to the
19 borough. It's out of my hands now.

20 Q. As of February 2009, the
21 paperwork was sent to the borough?

22 A. Yes.

23 Q. As of February 2009, you were
24 recommending to the borough that
25 Schoolcraft be transferred; is that

1 S. MAURIELLO

2 correct?

3 A. As a reviewer, yes.

4 Q. You signed off on the request
5 that Schoolcraft be transferred, right?

6 A. Yes.

7 Q. And that was initially a
8 reference or a suggestion by Stukes that
9 you agreed with?

10 A. And Delafuente.

11 Q. So both you, Stukes, and
12 Delafuente believed that Schoolcraft
13 should be transferred as of February
14 2009; is that correct?

15 A. Yes.

16 Q. Why didn't that happen?

17 A. I don't know. I got a lot of
18 other people who were transferred into me
19 for the same evaluation so....

20 Q. You see the number 2.5 in the
21 lower left-hand corner for overall
22 evaluation?

23 A. Down here?

24 Q. You see that 2.5?

25 A. Yes, sir.

1 S. MAURIELLO

2 conditions team. I didn't know that the
3 FBI came calling on him and civil rights
4 kept calling. This is everything he
5 provided and was provided at the meeting.

6 The delegate was even saying to
7 him, "They want you to work. We're all
8 here to help you." Even he said, "If I
9 got an evaluation just barely above him,
10 I would be upset.

11 If everybody in your platoon
12 and Sergeant Stukes and Lieutenant
13 Delafuente, three platoons 30 cops, all
14 on the same foot post as Officer
15 Schoolcraft, they all have the same
16 number of car tours as Officer
17 Schoolcraft. They are responding to
18 domestic radio runs as Officer
19 Schoolcraft and verticals, and you know
20 what, they are doing a job. They are
21 seeing it.

22 We only put him where crime
23 conditions or the quality of life
24 conditions exist where the community asks
25 for help; that's where the cops are put.

1 S. MAURIELLO

2 If you don't want to help the
3 community and do your job, what can I
4 tell you.

5 Q. Do I understand you that you're
6 saying at the time of this assessment of
7 Schoolcraft's performance was being made
8 by you, Stukes, and Delafuente, there
9 were 30 other officers in the platoon
10 doing the same or similar types of work
11 as Officer Schoolcraft?

12 MR. KRETZ: Objection.

13 You can answer.

14 A. No. When I say -- it was said
15 on the tape as you hear Lieutenant Mascol
16 says we looked at everybody in your squad
17 that works the same tour as you.

18 Q. Right.

19 A. They are observing stuff and
20 correcting conditions. They are
21 arresting domestic violence crimes. They
22 are going into a building and making an
23 arrest of five people trespassing or
24 smoking marijuana or summonsing somebody.
25 They're doing reports.

1 S. MAURIELLO

2 Q. What you're telling me if I
3 pull out the monthlies and the
4 quarterlies and the annuals for those
5 other officers, we'll see that
6 Schoolcraft has much lower numbers than
7 these other officers; is that what you
8 are telling me?

9 A. Yes.

10 Q. Who were those other officers?

11 A. I have 30 cops in my platoon.
12 I can't tell you their names off the top
13 of my head.

14 Q. How would you go about
15 identifying them if you had to?

16 A. Whoever was in Sergeant Stukes
17 squad at the same time as Officer
18 Schoolcraft or other squads in that
19 platoon like Delafuente.

20 Q. And you're saying 30 police
21 officers, roughly?

22 A. Could be a little more.
23 Sometimes we had more cops, a bunch a
24 cops that came from impact [phonetic].
25 It could be more. It could be less.

1 S. MAURIELLO

2 Q. It's your understanding that
3 Lieutenant Mascol actually looked and was
4 familiar with all of the numbers of all
5 of the officers in Stukes's squad and
6 Schoolcraft was way at the bottom?

7 A. You heard the tape. That's
8 what is on the tape.

9 Q. I'm just asking. You're the
10 Witness.

11 A. Yes.

12 Q. I get to ask the questions and
13 you answer them. Maybe one day it will
14 change. Right now that's the way it
15 goes.

16 A. Yes.

17 Q. The answer is yeah.

18 MR. SMITH: I'm going to request
19 the production of the monthly reports
20 for those officers in an equivalent
21 form to 21 and 51.

22 MS. PUBLICKER METTHAM: Put that
23 request in writing. Currently stated,
24 I would say that's objectionable. I'm
25 not totally clear for what period of

1 S. MAURIELLO

2 time or which officer.

3 MR. SMITH: The Witness just
4 said --

5 MS. PUBLICKER METTHAM: For what
6 period of time?

7 MR. SMITH: The Witness just
8 said that Lieutenant Mascol who is an
9 admin lieutenant for the eight one had
10 in his skull the performance of
11 approximately 30-odd other officers in
12 Stukes's squad and that Schoolcraft
13 was way at the bottom of those numbers
14 and the other guys were somewhere
15 north of that. Those are the
16 documents that I'm referring to and
17 the forms are 21 and 51, the annual
18 and monthlies.

19 MS. PUBLICKER METTHAM: It's
20 still not a date range, but put it in
21 writing. We'll take it under
22 advisement.

23 MR. SMITH: Well, it is a date
24 range, it is the year. It's the
25 performance evaluation documents

1 S. MAURIELLO

2 relevant to the Witness's statement
3 about who was Schoolcraft being
4 compared to. I'm assuming they would
5 be compared to the same year;
6 otherwise, it would be odd.

7 I don't want to belabor the
8 record and waste all of our time with
9 this.

10 Q. At the bottom of page 71 --

11 MR. SMITH: Why don't we take a
12 very short break. It's 3:17. I see
13 the court reporter shaking her hands,
14 why don't we take a very short break.

15 It's 3:17 and we are going off
16 the record.

17 [Whereupon, at 3:17 p.m., a
18 recess was taken.]

19 [Whereupon, at 3:40 p.m., the
20 testimony continued.]

21 MR. SMITH: Back on the record.
22 It's 3:40.

23 Q. And the last question that I
24 think we were at before I made a request
25 for documents was at the bottom of page

1 S. MAURIELLO

2 71 of Exhibit 51, there is a statement by
3 the overall reviewer comments, quote,
4 Police Officer Schoolcraft has been
5 counseled by both his squad supervisor
6 and his platoon commander about his lack
7 of drive. He has yet to show any
8 improvement. I confer with the above
9 valuation.

10 Do you see that reference,
11 Inspector?

12 A. Yes.

13 Q. Are those your words?

14 A. Yes.

15 Q. Do they accurately convey what
16 you intended them to convey?

17 MS. PUBLICKER METTHAM:

18 Objection.

19 MR. KRETZ: Objection.

20 A. Yes.

21 Q. Before the break we were
22 talking about activity standards and
23 productivity standards and performance
24 standards. Can you just clarify one
25 thing for me, Inspector, do I understand

1 S. MAURIELLO

2 you to be telling me that performance
3 standards are based on factors other than
4 just numbers?

5 A. Clarify again.

6 Q. I'll try my best.

7 You talked a lot activity,
8 productivity, expectations. What I want
9 to know is does your idea of a
10 performance standard embody more than
11 just the number of arrests, summonses,
12 and 250s that appear on a piece of paper?

13 A. Yes.

14 Q. Other than the number of
15 arrests and number of summonses and
16 number of 250s that appear on a piece of
17 paper like a monthly performance report,
18 what are the other factors that go into
19 the assessment of a patrol officer's
20 performance?

21 A. Sick records, discipline
22 history, CCRB history, are you willing to
23 work with supervisor, their attitude,
24 overall attitude.

25 [The document was hereby marked

1 S. MAURIELLO

2 Q. Did you review it when you
3 received it?

4 A. Yes.

5 Q. Did you forward it to anybody?

6 A. Yes.

7 Q. Who did you forward it to?

8 A. I called up Chief Nelson,
9 two-star chief of the borough. I told
10 him I got a letter from an attorney from
11 an officer who is appealing his
12 evaluation. He said send it to up to the
13 borough, let it follow up the
14 evaluation,, and it will go to proper
15 channels to him, and he will give it to
16 his review board.

17 Q. How did you send this to Chief
18 Nelson?

19 MR. KRETZ: Objection.

20 MS. PUBLICKER METTHAM:

21 Objection.

22 A. I had someone hand-deliver it
23 to his officer in an envelope.

24 MR. SMITH: I'm going to call
25 for the production of the copy or the

1 S. MAURIELLO

2 evaluation part of the 2.5. I said, "We
3 think he might need a change of scenery
4 to benefit him. He seems not to be happy
5 in the 81st Precinct. He doesn't take
6 well to his supervision. We think maybe
7 he can go to Greenpoint, nine four
8 precinct, may be better for him, maybe he
9 will like the work over there better."

10 Q. What did Chief Marino did?

11 A. He will look into it.

12 Q. Did you have any other
13 discussions with Chief Marino about the
14 appeal?

15 A. No.

16 Q. Do you recall any discussions
17 that you ever had with Chief Marino about
18 Officer Schoolcraft other than that one?

19 A. No. The night of.

20 Q. The Halloween night?

21 A. Halloween night.

22 Q. Other than this discussion
23 about the appeal and other than Halloween
24 night discussions, you never had any
25 other discussions with Chief Marino about

1 S. MAURIELLO

2 Q. At that PG or meeting, Chief
3 Marino and Brooklyn North investigations
4 personnel were there, right?

5 A. Captain Lauterborn, yes.

6 Q. Captain Lauterborn, you, and
7 other people, correct?

8 A. That was about it.

9 Q. That was in the context of that
10 meeting that the subject of Officer
11 Schoolcraft having a tape recorder came
12 up?

13 A. Yes, along with complaint
14 reports and calling a criminal.

15 Q. Inspector, when was the first
16 time that you became aware that QAD was
17 doing any kind of investigation of the
18 eight one?

19 A. I believe there was a telephone
20 message near the end of October calling
21 down two cops to QAD.

22 Q. How did you become aware of
23 that telephone message?

24 A. I believe my crime analysis
25 sergeant asked me what this is about.

1 S. MAURIELLO

2 Q. Who is your crime analysis
3 sergeant?

4 A. Sergeant Seymour [phonetic].

5 Q. What did you tell Sergeant
6 Seymour?

7 A. I said, "Let me make a phone
8 call over there."

9 Q. Who did you call?

10 A. I spoke to Inspector Cronin,
11 who is now Chief Cronin.

12 Q. What did Cronin tell you?

13 A. I just asked her, "There is a
14 telephone message here. Anything I
15 should worry about?" She said,
16 "Anonymous letter. They're going to
17 investigate. No big deal."

18 Q. She didn't tell you what the
19 investigation was about?

20 A. Nope.

21 Q. Did she tell you anything about
22 the investigation?

23 A. No, she didn't.

24 Q. Was there a time before that
25 conversation that you had with somebody

1 S. MAURIELLO

2 at QAD where you suspected that maybe QAD
3 was with doing an investigation into the
4 eight one?

5 A. No.

6 Q. So the first hint that you had
7 of any kind of QAD investigation at the
8 eight one was sometime near the end of
9 October when a crime analysis sergeant
10 brought to your attention the fact there
11 were these phone messages, right?

12 A. Yeah, telephone messages.
13 That's the first.

14 Q. Do you know what day that was,
15 whenever that came down?

16 A. It had to be whenever it came
17 down. Whenever I was working. I don't
18 know if I was at PMI or whenever I first
19 went back.

20 Q. Who were the officers being
21 called down?

22 A. I think Deck [phonetic] and
23 maybe Santana.

24 Q. When were you at PMI that
25 month?

1 S. MAURIELLO

2 you have a problem going on at the
3 precinct, a shooting or a cop -- a
4 community arrest, he was going to get the
5 phone call right away from the PC so I
6 deal with the chief.

7 Q. And Marino reports directly to
8 the chief, right?

9 A. Yes.

10 Q. So did you believe that the
11 reason why Marino was at the eight one
12 was because Nelson sent him there?

13 MS. PUBLICKER METTHAM:

14 Objection.

15 A. I said I don't know.

16 Q. I know you didn't know. Do you
17 believe that was the reason?

18 MS. PUBLICKER METTHAM:

19 Objection.

20 THE WITNESS: Isn't I don't know
21 an answer?

22 MR. KRETZ: Did you have that
23 belief when he walked into your
24 office, he was sent there by Nelson?

25 THE WITNESS: I didn't know.

1 S. MAURIELLO

2 Maybe yes, maybe no. I don't know.

3 Q. Did you discuss anything else
4 with Marino?

5 A. No. I said, "Let's go."

6 Q. What did you do next?

7 A. Went outside, I saw Lieutenant
8 Crawford. I don't know where the 104 is.
9 I never worked in Queens. He used to be
10 a sergeant there. Lieutenant Crawford
11 drove me in my car.

12 Q. What kind of car is that?

13 A. I believe a gray truck.

14 Q. Is that a department car?

15 A. Yes, sir.

16 Q. A gray truck?

17 A. Yes, a truck like I forget. I
18 had a couple of cars. I forget.

19 Q. How long did it take you to get
20 to Officer Schoolcraft's apartment?

21 A. About 15 minutes.

22 Q. And Crawford drove you?

23 A. Yes, sir.

24 Q. When you got there, did you get
25 out of the car?

1 S. MAURIELLO

2 A. Yes, sir.

3 Q. Did Crawford also get out of
4 the car?

5 A. Yes.

6 Q. Who was at the scene when you
7 got there?

8 A. When I got there, Chief Marino
9 was following us in his car. We walked
10 up, it was Captain Lauterborn was on the
11 sidewalk with Brooklyn North
12 investigations, ESU, EMS personnel were
13 there, Lieutenant Brosschart was there,
14 sergeant from the 104 was there with a
15 couple of cops and the CO of 104 was
16 there, Deputy Inspector Green.

17 Q. Who from Brooklyn North was
18 there?

19 A. I think Hawkins [phonetic],
20 Gough, and I forget the other one there.

21 MS. PUBLICKER METTHAM:

22 G-O-U-G-H.

23 Q. Did you know the Brooklyn North
24 investigations officers who were there?

25 A. Yes.

1 S. MAURIELLO

2 Q. What happened next?

3 A. We were outside Chief Marino
4 comes up, huddles everybody up, gets an
5 update. At the time the landlord the
6 husband and wife were there talking.
7 They gave a key I think to Captain
8 Lauterborn and discussing what was going
9 on. They were pretty adamant that
10 Officer Schoolcraft was home.

11 Q. Who was adamant?

12 A. The landlord.

13 Q. Did you have any discussions
14 with either the landlord or the landlady?

15 A. No.

16 Q. Were you present when anybody
17 else had any discussions with either the
18 landlord or the landlady?

19 A. After they gave the key to
20 Captain Lauterborn, they stepped back.
21 Chief Marino was handling the scene. He
22 was the highest ranking.

23 Q. Were you present when
24 Lauterborn was discussing getting the key
25 from the landlord?

1 S. MAURIELLO

2 MS. PUBLICKER METTHAM:

3 Objection.

4 MR. KRETZ: Objection.

5 A. I believe we were walking up,
6 we were walking up out of the car, they
7 were talking.

8 Q. So when you got to the scene,
9 you saw Lauterborn discussing or talking
10 with the landlord and the landlady?

11 A. The husband and the wife.

12 Q. Let's call them the husband and
13 wife. Did you see them hand the key to
14 him?

15 A. No.

16 Q. Did he already have the key by
17 then?

18 A. They probably already gave him
19 the key, yes.

20 Q. Did either the husband or the
21 wife, the landlady and the landlord, say
22 anything to you?

23 A. No.

24 Q. Did they say anything in your
25 presence that you heard?

1 S. MAURIELLO

2 might have hurt himself. Nobody was
3 going in there defensive, he was going to
4 hurt us. We were there to help him.

5 Q. I understand what you were
6 thinking --

7 MR. KRETZ: Let him continue,
8 please.

9 MR. SMITH: Yes.

10 A. Were in there to help him and
11 not hurt him. At no time did anybody
12 have his gun out. At no time were we
13 going in there and roust him off his bed.
14 I was in there. You can hear the tape.
15 I come off concerned. I was. We all
16 were.

17 Q. Inspector, you said he came at
18 you twice, right?

19 A. He walked toward me twice.

20 Q. He came up to your face twice,
21 right?

22 A. Yes, sir.

23 Q. Did you feel at all concerned
24 on either occasion that Officer
25 Schoolcraft was going to strike you?

1 S. MAURIELLO

2 A. I don't think he was in uniform
3 that night.

4 Q. How was he dressed?

5 A. Gray jacket on, shield,
6 covering anticrime that night.

7 Q. You were wearing a white shirt
8 that night?

9 A. Yes, sir.

10 Q. And Marino was wearing a white
11 shirt?

12 A. Yes, sir.

13 Q. And Captain Lauterborn was
14 wearing a white shirt?

15 A. Yes.

16 Q. How was the Brooklyn North's
17 investigations personnel dressed?

18 A. I don't remember.
19 Plainclothes. That's all I remember.

20 Q. What about Brosschart, how was
21 he dressed?

22 A. Uniform.

23 Q. White shirt?

24 A. I think so.

25 Q. What happened next?

1 S. MAURIELLO

2 A. Standing out there ten to 15
3 minutes later, Officer Schoolcraft, I
4 should say, Adrian Schoolcraft, is
5 walking down the stairs. He was on the
6 phone. He walked down. He made a left.
7 He went towards the EMS truck. Everybody
8 else was coming out the apartment down
9 the stairs behind him.

10 He got by the truck and all of
11 a sudden made a U-turn, and he started
12 running fast and he ran into the
13 building.

14 Q. Did you see him make this
15 U-turn?

16 A. I was watching him, I seen him
17 go down to the EMS truck. All of a
18 sudden, I see him make a U-turn, he
19 turned. The next thing I know he was
20 running up the stairs.

21 Q. Did you overhear anyone say
22 anything either while he was walking
23 towards the truck or when he made the
24 U-turn?

25 A. No.

1 S. MAURIELLO

2 Q. Did you hear anybody say
3 anything as he started heading back
4 towards the apartment?

5 A. I don't think so.

6 Q. Did you tell Lauterborn words
7 to the effect, Teddy, go get him?

8 A. Absolutely not.

9 Q. You believed that he actually
10 ran back to the --

11 A. Walking fast and started
12 running up the stairs.

13 Q. So he walked fast --

14 A. First he --

15 THE REPORTER: You're
16 interrupting him before he finishes.

17 Q. Did he start walking quickly to
18 his apartment; is that what you are
19 saying?

20 A. He U-turned, started walking,
21 then he put a quick pace, like a jog.

22 Q. Up the steps?

23 A. Like 10 feet before coming up
24 the steps. He went up the steps fast.

25 Q. Then what happened?

1 S. MAURIELLO

2 A. Saw everybody followed him up
3 in the building. Everybody disappeared.

4 Q. Who followed him in the
5 building first?

6 A. Brooklyn North investigation
7 maybe and Captain Lauterborn and Chief
8 Marino.

9 Q. Why didn't you go upstairs?

10 A. First time I was involved in a
11 situation, get out of my face, agitated
12 the situation. I'm not going to get back
13 involved again.

14 Q. Did anybody tell you to stay
15 out on the street?

16 A. No.

17 Q. You made that decision on your
18 own?

19 A. Yes, I did.

20 Q. What happened next?

21 A. Fifteen, 20 minutes later I see
22 EMS coming down the stairs, Schoolcraft
23 is sitting down on a chair, like,
24 restrained in an orange chair looking
25 around staring around at everybody.

1 S. MAURIELLO

2 Q. Who else was on the street at
3 the time?

4 A. I believe Lieutenant Crawford
5 was there with me.

6 Q. Were there any civilians on the
7 street?

8 A. There was a bunch of people in
9 the houses on the street. There was
10 people on the street.

11 Q. When you say "a bunch of
12 people," how many?

13 A. People living next door, the
14 landlady, the super on the street away
15 from everything, the people next door
16 were there, some cops.

17 Q. Is it fair to say there were
18 probably five to ten, maybe more,
19 civilians on the street looking at the
20 scene?

21 A. Yeah, away from it, but they
22 are still in the street.

23 Q. What happened next?

24 A. What happened next, EMS took
25 him to the ambulance. Captain Lauterborn

1 S. MAURIELLO

2 told Lieutenant Brosschart to go with him
3 in the ambulance.

4 Q. Did Officer Schoolcraft say
5 anything that you heard?

6 A. No.

7 Q. Did anybody say anything to
8 him?

9 A. Not that I know of.

10 Q. What happened next?

11 A. Everybody came out. We got in
12 the car, went back to the precinct to
13 start the investigation.

14 Q. Am I correct that it was back
15 at the precinct, it was Brooklyn North
16 investigations, those three officers; is
17 that correct?

18 A. Yes.

19 Q. And Chief Marino?

20 A. Yes.

21 Q. And Captain [sic] Brosschart?

22 A. No. Captain Lauterborn.

23 Q. Captain Lauterborn was there?

24 A. Yes.

25 Q. Is that correct?

1 S. MAURIELLO

2 Q. Did Caughey say anything else
3 to you?

4 A. He said -- with that he said,
5 "I wondered because I scratched him. Did
6 that have an effect why he left the
7 precinct?"

8 I said, "No, he left because he
9 said he was sick." That was it.

10 Q. What did you understand Caughey
11 to be saying when he said did the
12 scratching have an effect on why Officer
13 Schoolcraft left the precinct?

14 A. I don't understand. I said,
15 "He went sick. It was a bizarre night."
16 And that was it. He hung up.

17 Q. Did Caughey tell you that he
18 thought that maybe he intimidated
19 Schoolcraft?

20 A. No, he did not say that.

21 Q. Did he suggest that to you?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 A. No.

25 Q. Did Caughey tell you that he

1 S. MAURIELLO

2 threatened Schoolcraft?

3 A. No, he did not.

4 Q. Did Caughey tell you that he
5 made a copy of Schoolcraft's memo book?

6 A. Not that night. He didn't tell
7 me that night.

8 Q. Did he tell you that night that
9 he made a photocopy of Officer
10 Schoolcraft's memo book and put it your
11 desk drawer?

12 A. Not that night. When I came
13 into work that Monday.

14 Q. How did you communicate with
15 Caughey on Sunday afternoon?

16 A. He called me.

17 Q. On your cell phone?

18 A. I believe job phone.

19 Q. Job cell phone?

20 A. I believe.

21 Q. What is the phone number
22 associated with that phone number?

23 A. I don't know. His cell number
24 or his home number. I don't even know.

25 Q. But you got it on your

CERTIFIED TRANSCRIPT

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UNITED STATES DISTRICT COURT.

SOUTHERN DISTRICT OF NEW YORK

-----X
ADRIAN SCHOOLCRAFT,

Plaintiff,

Case No:

- against -

10 CV 06005

THE CITY OF NEW YORK, ET AL.,

Defendants.
-----X

444 Madison Avenue

New York, New York

July 1, 2014

10:24 a.m.

CONTINUED DEPOSITION OF STEVEN MAURIELLO,

pursuant to Notice, taken at the above place,

date and time, before DENISE ZIVKU, a Notary

Public within and for the State of New York.

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(Continued.)

1 CONTINUED- STEVEN MAURIELLO

2 one you had?

3 A. Yes. Yes.

4 Q. Can you please turn to page 37
5 of Exhibit 139. On the top of that page
6 there is a request for any documents
7 relating to any searches for employment that
8 you have undertaken since October of 2009.
9 Do you see that, sir?

10 A. Yes.

11 Q. The response here is "not
12 applicable." Do you see that?

13 A. Yes, sir.

14 Q. Does this mean that since
15 October of 2009, you have not made any
16 efforts to seek any form of employment?

17 A. Yes.

18 Q. Since October of 2009, have you
19 sought to change your position, either as
20 the commanding officer of the 81st Precinct
21 or the executive officer of Transit?

22 A. When you make captain or above
23 and you get a command, there's no way really
24 you could put in for another command. It's
25 all done by the police commissioner. I

1 CONTINUED- STEVEN MAURIELLO

2 by her. I think she knows a little more
3 than is being said.

4 Q. Tell me what it is that you
5 believe that she knows?

6 A. I could say something about her,
7 but I'd like to go to this person before her
8 to tie her into it.

9 Q. All right, go right ahead.

10 A. Thomas Korakis, down there,
11 Thomas Korakis, he's a former lieutenant
12 NYPD.

13 Q. What about him?

14 A. He retired, I believe, a year
15 ago. He used to work in the advocate's
16 office. I met him one time before that. He
17 was, guess a lieutenant in the Brooklyn
18 North Gang that turned out of the 81. He
19 happened to give me information and the
20 information he gave me, he said that a
21 former lawyer of the advocate's office,
22 Captain O'Connor, was no longer in the
23 advocate's office anymore, told him, she
24 vented to him that she was handed my case
25 before it officially became a case and she

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CONTINUED- STEVEN MAURIELLO

thought I was getting a raw deal, I was being treated unfairly. She said Commissioner Schwartz had a meeting and in the meeting Schwartz said we have to get Mauriello on anything, something and this is what Lieutenant Korakis told me and what was stated by Chief Cronin, if there's smoke, but there's no fire connecting him. And she said I don't care, we have to get him on anything, something.

Q. Who is Chief Cronin?

A. She's the chief of QAD. At the time she was the inspector of QAD, so she said in a meeting.

Q. So what you're telling me is that Korakis told you that he was a participant at a meeting --

A. No.

Q. -- where Cronin and Schwartz were attending; is that correct?

A. Korakis told me that Kathleen O'Connor, who is a lawyer, was a participant in a meeting with other people and she came out and vented for a while about

1 CONTINUED- STEVEN MAURIELLO

2 Commissioner Schwartz and she vented about
3 the case and she told him this stuff.

4 Q. I think I've got it. I just
5 want to make sure I've got it straight in my
6 head. So Korakis, K-o-r-a-k-i-s, told you
7 that Kathleen O'Connor provided information
8 to him about Korakis; is that correct?

9 A. Yes, sir.

10 Q. The information that was
11 provided by O'Connor to Korakis was that
12 O'Connor was at a meeting and in attendance
13 at that meeting was Cronin, Schwartz and
14 perhaps others; is that correct?

15 A. Yes.

16 Q. And in that meeting, Schwartz or
17 Commissioner Julie Schwartz said that in sum
18 and substance they have to find something to
19 go after you with; is that right?

20 A. Anything. It was kind of
21 relayed back there was really nothing there
22 and she made that statement, Chief Cronin
23 made the statement, you know, there's smoke,
24 but there's no fire connected to anything to
25 him.

1 CONTINUED- STEVEN MAURIELLO

2 Q. Did Korakis provide you with any
3 other information?

4 A. I got a raw deal. He said, you
5 know, that's what he said I got a raw deal.
6 It's known down there that I got a raw deal.
7 He said something, you know.

8 MR. KRETZ: Did he say anything
9 else?

10 THE WITNESS: No, raw deal.

11 Q. I am going to ask the same
12 question your lawyer just asked you, just
13 because it's important to provide all the
14 information that you have. So I am going to
15 ask you again. Did Korakis provide you with
16 any other information about what was going
17 on with respect to your charges and specs?

18 A. Well, he said there was daily
19 meetings every day down there with Chief
20 Schwartz, I guess -- Commissioner Schwartz
21 about what they're going to do with me and
22 see people coming in and out of it, he knows
23 about it and that Kathleen O'Connor was fed
24 up with Julie Schwartz. Korakis said, if I
25 could say it, that Julie Schwartz was very

1 CONTINUED- STEVEN MAURIELLO

2 unethical and that's about it.

3 Q. Did he say what was unethical
4 about what she was saying or doing?

5 A. The statement when he said
6 unethical is the way she handles down there
7 is very unethical.

8 Q. When was the conversation that
9 you had with Korakis that you -- where you
10 got all this information that you just
11 provided to me?

12 A. He told me -- this at a
13 retirement seminar going back like seven
14 months, eight months ago, but --

15 Q. Was this in person, this
16 communication you had with Korakis?

17 A. Yes. Yes.

18 Q. And was there anybody else
19 present?

20 A. No.

21 Q. Have you ever had any other
22 conversations with Korakis about, either
23 your case, your counterclaims or the charges
24 that were brought against you?

25 A. I just -- I called him up two

1 CONTINUED- STEVEN MAURIELLO

2 the 81st Precinct?

3 MR. KRETZ: Objection.

4 A. Again, I didn't know what it
5 was. Got a telephone message, sometimes
6 people feel it's a telephone, sometimes they
7 feel -- I didn't know what it was. I didn't
8 know what was going on.

9 Q. No, I understand --

10 A. I didn't think it was
11 inappropriate, no.

12 Q. Did Cronin tell you it was
13 appropriate or inappropriate for you to be
14 contacting QAD about the nature of any
15 investigation that was conducted?

16 A. No.

17 Q. Am I correct that she didn't
18 object to you contacting her; is that right?

19 A. No.

20 Q. Has anybody, on your behalf,
21 contacted Cronin about your claims?

22 A. No.

23 Q. Is she currently still the head
24 of QAD?

25 A. I don't know.

1 CONTINUED- STEVEN MAURIELLO

2 Q. The next person is Brandon Del
3 Pozo D-e-l P-o-z-o. Who is that?

4 A. I believe the deputy inspector
5 of NYPD.

6 Q. Where?

7 A. Somewhere in One PP.

8 Q. What information does he have
9 about the, your claims?

10 A. Well, I didn't -- Brandon Del
11 Pozo was quoted in a Lenny Levitt article.
12 I guess it was all E-mailed to lawyer,
13 Norinsberg, about -- on behalf of
14 Commissioner Schwartz and he was asking
15 Norinsberg to give him a call. Gave him an
16 update with the case and when he was pushed
17 in the article, he said he had the
18 permission of Commissioner Schwartz and the
19 people of Commissioner Farrell's office to
20 be an intermediate who talked to
21 Norinsberg --

22 (Whereupon, Mr. Callan entered
23 the deposition room.)

24 MR. KRETZ: Could you read back
25 his answer so far as he can continue

1 CONTINUED- STEVEN MAURIELLO

2 it. And you might as well note Paul
3 Callan is in the house.

4 (Record read.)

5 A. -- and then I guess he had
6 numerous conversations with Counsel
7 Norinsberg and he kind of said in the
8 article it was quoted Mauriello --
9 Mauriello's career is over. He's in a
10 dead-end spot. And I just thought it was
11 very funny how a captain in the NYPD would
12 be able to say that to a newspaper guy or to
13 a lawyer, when as far as I know, he had
14 nothing to do with my case. You know, and
15 now, you know, he said he's speaking on
16 permission of Commissioner Schwartz and I
17 hear stuff now about what Schwartz said
18 about me and I would like to know more.

19 Q. Farrell, who is Farrell?

20 A. I guess he was the commissioner
21 of office -- OMAP, Office Management and
22 Planning.

23 Q. Does Del Pozo have any other
24 information about your case or your claims
25 for damages?

1 CONTINUED- STEVEN MAURIELLO
2 anywhere beginning 2011. A year from I was
3 there.

4 Q. Well, what date were you
5 transferred to Transit?

6 A. Now I'm getting mixed up here.
7 2010, July 3rd I think it came down, but I
8 think July 7th was the official date.

9 Q. Did you know it was coming
10 before it hit the tape?

11 A. What was coming?

12 Q. The transfer.

13 A. No. I was surprised.

14 Q. How many days or weeks or months
15 after your transfer to Transit did you have
16 the conversation with Diaz about another
17 position or promotion?

18 A. About a year.

19 Q. So it's fair to say the
20 conversation with Diaz took place sometime
21 in the summer 2011?

22 A. Yes. Just, I guess, they had
23 annual meetings or every six months they
24 would meet, the bureau chiefs would meet
25 with Commissioner Kelly and go over every

1 CONTINUED- STEVEN MAURIELLO
2 personnel under his jurisdiction --
3 underneath him, all the executives. And he
4 said, you know, I said good things to
5 Commissioner Kelly on your behalf. I said
6 any way I'm moving up, moving to some other
7 position. He said too soon. Not until this
8 whole thing is over with.

9 Q. When he said not until this
10 whole thing is over with, what was your
11 understanding of what he was referring to?

12 A. I guess not until these articles
13 in the newspaper are over with, not until
14 this lawsuit is over with.

15 Q. What did he tell Commissioner
16 Kelly about you?

17 A. I don't know.

18 Q. Where is Diaz today?

19 A. He's retired. I think he's --
20 maybe head of security of MTA.

21 Q. Do you know where he lives?

22 A. No.

23 Q. Purely a professional
24 relationship with him?

25 A. Professional, yes.

1 CONTINUED- STEVEN MAURIELLO

2 Q. What information does Diaz have
3 about your claims, other than what you've
4 already provided me with?

5 A. Just that my career is on hold
6 until, I guess, or the lawsuit is over and
7 all the public sensationalism.

8 Q. Did he lead you to believe that
9 once the lawsuit is over with that your
10 career would be, get back on track?

11 A. He led me to believe that he'd
12 push for me, yes.

13 Q. Do you believe that once the
14 lawsuit's over, that your career will be
15 back on track?

16 A. Four years ago I thought so.
17 Right now, I don't know. I really don't.

18 Q. Next person is Bureau Chief
19 Joseph Fox.

20 A. Yes.

21 Q. Who is that?

22 A. He's the Chief of Transit.

23 Q. Is he in the chain of command
24 higher than Diaz or lower than or on the
25 same level as Diaz?

1 CONTINUED- STEVEN MAURIELLO

2 A. Same level.

3 Q. What does Fox know about your
4 claim and damages?

5 A. Just that, the same thing, that
6 I went to him and he said the same thing.
7 When this is all over and the lawsuit's all
8 over and everything's all over, then he'll
9 go to push for me. Right now he can't.

10 Q. When did you have this
11 conversation with Fox?

12 A. I'm going to say I had it -- I
13 had it twice, twice.

14 Q. When did you have these two
15 conversations with Fox?

16 A. I would say one when
17 Commissioner Kelly was still here. One
18 right around when they named Commissioner
19 Bratton was coming.

20 Q. Bratton?

21 A. Bratton.

22 Q. Can you provide me with any
23 greater level of specificity about when you
24 had a conversation with Fox?

25 A. I believe the second one around

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CONTINUED- STEVEN MAURIELLO

December and one before that had to be in, I guess, that's December 2013 -- I would say beginning of 2013.

Q. Did the conversation you had with Fox take place at the same time as the conversation with Diaz?

A. Chief Diaz was the Bureau Chief of Transit. He retired and then Chief Fox took over.

Q. Okay. So when did Fox become the successor to Diaz?

A. I don't recall.

Q. Am I correct that in approximately the summer of 2011, you went to Diaz, who was your direct supervisor at Transit and said any chance for a promotion here, in sum and substance?

A. Any chance of moving up or, you know, being transferred somewhere else, yes.

Q. And he told you that you got to wait a while, right?

A. Yes.

Q. Am I correct that after Diaz left and Fox became his replacement that you

1 CONTINUED- STEVEN MAURIELLO
2 made an approach to Fox again to see if
3 there was any chance for a promotion; is
4 that right?

5 A. Yes or a transfer.

6 Q. When you went to Diaz and you
7 were trying to get a transfer, where were
8 you trying to get a transfer to?

9 A. Anywhere, commanding officer's
10 spot, second in command.

11 Q. So you wanted a commanding
12 officer's position? You didn't want to be
13 an executive officer; is that correct?

14 A. Correct.

15 Q. When you went to Fox. Did you
16 have any particular transfers in mind?

17 A. No. To move up inside Transit
18 maybe, if something opened up or outside of
19 Transit.

20 Q. If you had obtained this
21 transfer or promotion or move from either
22 Diaz or as a result of your conversations
23 Diaz or Fox, would your title at NYPD
24 change?

25 MR. KRETZ: Objection.

1 CONTINUED- STEVEN MAURIELLO

2 A. It depends what they transfer me
3 to.

4 Q. As of right now, your title is
5 deputy inspector; is that right?

6 A. Executive officer, yes. Would
7 be deputy inspector still.

8 Q. When you had these conversations
9 with Diaz and Fox, you weren't trying to get
10 promoted to inspector; is that right?

11 A. I was trying to get to a
12 position where I could get promoted again.
13 With all these lies, I've been sidetracked
14 for over four years now.

15 Q. And do I understand you to be
16 saying that a commanding officer position,
17 was the position that would enable you to
18 get another promotion; is that what you're
19 telling me?

20 A. Yes.

21 Q. And if you were successful at
22 getting the commanding officer position, you
23 would then seek a promotion to what?

24 A. Well, I wouldn't seek a
25 promotion, it would be to inspector. It

1 CONTINUED- STEVEN MAURIELLO

2 would be -- it depends if they want to
3 promote you, they would promote you to
4 inspector.

5 Q. And what are the advantages to
6 being promoted to inspector?

7 A. Financially. Financially.
8 Talking about \$9,000 more a year, you know,
9 back to being a commanding officer. I
10 thought I did a very good job as commanding
11 officer. I liked being commanding officer.
12 I loved working at the 81st Precinct.

13 Q. You were a commanding officer at
14 the 81st Precinct with the title deputy
15 inspector?

16 A. I was captain. Then I became
17 deputy inspector.

18 Q. So am I correct that the only
19 advantage to being appointed inspector from
20 the position of deputy inspector is this
21 \$9,000 a year?

22 MR. KRETZ: Objection.

23 A. No. I've been ridiculed, public
24 humiliation for over four years. Lies, the
25 damage to my reputation, to my job. Putting

1 CONTINUED- STEVEN MAURIELLO
2 me in the commanding officer's position to
3 myself is a step going towards healing,
4 closure, to the right direction. Not being
5 stuck as an XO and there is room for
6 improvement.

7 Q. Do you agree that the position
8 as an XO at Transit is a dead-end job?

9 A. There's no room for improve --
10 there's no room for promotion.

11 Q. You agree with me it's a
12 dead-end job, right?

13 A. Yes.

14 Q. I understand that there were
15 noneconomic advantages to a promotion to
16 inspector, but just focusing on the economic
17 advantages of being inspector. What else is
18 there, other than the approximately \$9,000 a
19 year raise that you would get economically
20 or financially from receiving a promotion of
21 deputy inspector to inspector?

22 MR. KRETZ: Just economically
23 and financially, you're saying?

24 MR. SMITH: Yes.

25 A. Economical advantage. \$9,000,

1 CONTINUED- STEVEN MAURIELLO

2 it helps you towards your retirement, your
3 pension.

4 Q. Okay. But that's it, it's just
5 9,000, plus as you retire the higher your
6 salary at the time of retirement, the larger
7 your retirement; is that correct?

8 A. Yes.

9 Q. The next individual that you've
10 identified in the list, Robert Gianelli, and
11 we've already discussed him. Is there
12 anything else that he has, any information
13 about, other than what you already provided
14 to me?

15 A. Just that he knows my character,
16 my ethics, highly ethical -- I believe he
17 knew I was one of the best commanding
18 officers in the city and I believe he'll
19 testify to that.

20 Q. How would you measure up who the
21 best commanding officers are in the city?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 A. He'll know I had a very good
25 relationship with the community as -- look

1 CONTINUED- STEVEN MAURIELLO

2 at the disks you could see numerous awards
3 from the community. He knows the way I ran
4 the precinct, all the administrative wise,
5 the self inspections passed, the morale of
6 the men and women and he knows that I am
7 very sharp when it comes to identifying
8 crime trends presented at CompStat, but also
9 knowing everything about the community. I
10 know politicians, I know clergy, but I also
11 know when there's crime, who's doing the
12 crime. I put my resources in the right
13 location and he thinks I'm very highly
14 motivated and a highly integrity person.

15 Q. How would the chief of patrol
16 measure your performance as a commanding
17 officer of the 81 for example, with the
18 performance of other commanding officers of
19 the other precincts of the New York Police
20 Department?

21 A. I was put up for -- the precinct
22 got unit citation for great police work and
23 community relationship. I was sent to
24 police -- PMI, Police Management Institute,
25 that's represented by Columbia University.

1 CONTINUED- STEVEN MAURIELLO

2 Our presentation to the commissioner was
3 video interrogation of criminals and that's
4 been put into NYPD. He looks at that and he
5 also looks at the reputation of bureau
6 chiefs who are over me, other chiefs and how
7 I present myself and how the community
8 appreciates me.

9 Q. Are there any statistics or
10 numbers that you're aware of that are used
11 to compare the performance of COs of the 81
12 as opposed to COs of any other countless
13 precincts within the NYPD?

14 A. Not that I know of, no.

15 Q. Anything else about Gianelli
16 that you think he has any information about
17 your case or your claimed damages?

18 A. No.

19 Q. Next individual on the list is
20 Chief James Hall.

21 A. Yes.

22 Q. Who is he?

23 A. He replaced Chief Gianelli.
24 Chief of Patrol.

25 Q. Have you ever spoken with him

1 CONTINUED- STEVEN MAURIELLO
2 about your claims or counterclaims?

3 A. No.

4 Q. What information do you believe
5 that James Hall has about your case?

6 A. He called me up after I got
7 released from the hospital. I think it was
8 three days later, right before July 4th he
9 called me up. I was taking my kids up to
10 Jersey and he broke the bad news that the
11 command's being taken from me and I was
12 being transferred.

13 Q. When did he make this phone call
14 to you?

15 A. Had to be before July 4th. I
16 think it was July 3rd.

17 Q. So when you told me earlier that
18 you got notice that you were going to be
19 transferred on July 3rd, that's the way you
20 got the notice?

21 A. Yes.

22 Q. That was the first piece of
23 information that you got that you were going
24 to be transferred?

25 A. Yes, sir.

1 CONTINUED- STEVEN MAURIELLO

2 Q. What did he tell you the reason
3 for you being transferred was?

4 A. He didn't tell me.

5 Q. What did you believe the reason
6 for the transfer was?

7 MS. PUBLICKER METHAM:

8 Objection.

9 A. At the time, he said I did a
10 good job. That I was going to go to Transit
11 in second command. I thought it was a
12 lateral move at the time, but the reason
13 why, I know was it was a lot of
14 sensationalism in the newspaper, Village
15 Voice. Again, a lot of it was slanderous
16 and really not accurate. I think it was a
17 lot of pressure on the New York City Police
18 Department and I understood they probably --
19 the best interest had to move me somewhere.

20 Q. Did Hall tell you as a reward
21 for doing a good job at the 81 you were
22 getting this transfer?

23 A. He didn't say it was a reward.
24 He said I did a very good job at the 81. I
25 guess he was trying to soften the blow. You

1 CONTINUED- STEVEN MAURIELLO
2 could tell by my voice I was disappointed.
3 Had a lot going on in my life at that moment
4 and probably was the last thing I wanted to
5 hear.

6 Q. It was a blow?

7 A. Big blow, big blow.

8 Q. Getting transferred to Transit
9 was a blow for you, right?

10 A. Leading up to it was a big blow,
11 being publicly humiliated on lies in the
12 newspaper. You know, they were saying that
13 Officer Schoolcraft did this, because he
14 cared about the community and the cops. The
15 first paragraph, Graham Rayman's whole
16 thing.

17 Then we have tape recording
18 where he's saying he don't give a damn about
19 the cops and he's saying racial comments
20 about the community. So to me it was all a
21 bunch of lies. At the time I didn't know
22 that, but now I do. So I mean, at time it
23 was a big, big blow, because I loved what I
24 did. I loved working in the 81st. I loved
25 the men and women I worked for. I loved the

1 CONTINUED- STEVEN MAURIELLO
2 community. Had a very good relationship
3 with the community. You know, it was a
4 tough blow, you know, not to know and to
5 tell you you're being moved, you know, it's
6 not an easy thing to deal with.

7 Q. What other information does
8 James Hall have about your damages in the
9 case?

10 A. I don't know. I would like to
11 know.

12 Q. How many times have you ever
13 spoken to -- with Hall?

14 A. I think it was the only time.

15 Q. That was the only time?

16 A. Yeah. Yeah.

17 Q. Do you know where he is today?

18 A. Just retired. That's all I
19 know.

20 Q. Do you know where he lives?

21 A. I don't know.

22 Q. He called you on your cell
23 phone?

24 A. He called on the job phone and
25 they said hold on for chief of patrol. I

1 CONTINUED- STEVEN MAURIELLO

2 don't know what this was about. I didn't
3 think I'm getting booted, but that's what it
4 was.

5 Q. You were at your desk at the 81?

6 A. No, I was off. Just got out of
7 the hospital. I was out. I was taking my
8 kids up to Jersey, driving on the Cross
9 Island Parkway with the dog and my two kids
10 and I get the phone call.

11 Q. But you got the phone call on
12 your cell phone?

13 A. The job cell phone, yes.

14 Q. Okay. That's what I
15 misunderstood. I thought you said the
16 office. So the job cell phone you got the
17 call?

18 A. Yes, sir. Yes, sir.

19 Q. Next person Deputy Inspector
20 Scott Henderson, see that?

21 A. Yes.

22 Q. What information does Scott
23 Henderson have about your claim, your claims
24 and damages?

25 A. Scott was my first XO of the

1 CONTINUED- STEVEN MAURIELLO

2 81st Precinct when I first received -- was
3 awarded the command. He is now the current
4 commanding officer of the 81st Precinct. I
5 knew Scott when I was a sergeant in the 79.
6 I was a cop in the 79. He knows my
7 integrity. He knows my work ethic. He
8 knows how I am loved by the men and women at
9 the 81 to this day still. He knows the
10 community. They still love me there and I
11 believe he would come in and say that
12 because of the lies of certain people in
13 this room that my career was put on hold and
14 I'm still suffering from it.

15 Q. Have you ever spoken with him
16 about your claims?

17 A. Never.

18 Q. When was the last time you spoke
19 with Henderson about any subject?

20 A. I was invited back about three
21 weeks ago to the community council. First
22 time been back there four years in the 81st
23 Precinct. Cathy Arline, the community
24 council president was retiring. September
25 will be her last official month there as

1 CONTINUED- STEVEN MAURIELLO
2 president and I was invited back. I went
3 back there and I was there. Chief of
4 department Phil Banks was there. Chief of
5 Brooklyn North Gerald Nelson was there and
6 he's the current CO and I'm the only former
7 commanding officer that showed up to pay
8 respects.

9 Q. You didn't talk about this
10 counterclaim of yours?

11 A. Counterclaim, no. He asked me
12 how I'm doing in the job. I said all right.
13 He said I saw about it in the paper again.
14 He said don't worry about it, everybody
15 knows your true character and then it was
16 all about -- I was there for the honor of
17 Ms. Arline. I was the third person actually
18 to get called up to talk, give a
19 testimonial. It was, Chief Banks was first,
20 Chief Nelson was second. They sat and I got
21 called up third to give a testimonial about
22 Cathy Arline's great work in the Bedford
23 Stuyvesant community.

24 Q. Cathy who?

25 A. Arline.

1 CONTINUED- STEVEN MAURIELLO

2 Q. And who is she?

3 A. Community Council President of
4 the 81st Precinct.

5 Q. You said that everybody knows
6 your true character; what are you referring
7 to?

8 A. They -- listen, when people
9 write articles on you, it's only slanted one
10 way. There's no response from me, not even
11 NYPD. It's written to be factual, which
12 it's not. So when you're in the paper for
13 four years, God knows how many articles are
14 written about me. I mean, really, and they
15 read the same thing, regurgitate over and
16 over and you know, I'm this, I'm that. They
17 know my true character. The community knew.
18 I was welcomed back with open arms. It
19 touched me. I mean, I was four years away
20 from there and I was very happy.

21 Q. You're telling me that the
22 supervisors that you know in the NYPD, who
23 are familiar with the newspaper articles, do
24 not believe that the things that you're
25 accused of are true; is that correct?

1 CONTINUED- STEVEN MAURIELLO
2 conversations you ever had with Weiss or
3 where Weiss was involved in conversations
4 about Schoolcraft?

5 A. No, not that I recall.

6 Q. Do you remember going to the
7 borough and talking with Marino, with Weiss?

8 A. Yes. Yes.

9 Q. What do you recall about that?

10 A. It was -- the COs get called
11 down, the ICO usually gets called down with
12 the CO to go over whoever got 3.0 and I
13 believe I testified that when I first got
14 the command, I went down there about two
15 other officers and this time I went down
16 there about Officer Schoolcraft and Officer
17 Scandola.

18 Q. Do you remember having a
19 conversation with Weiss after Weiss went to
20 Jamaica Hospital?

21 A. What Jamaica Hospital?

22 Q. Do you remember that School --
23 you know that Schoolcraft was taken to
24 Jamaica Hospital --

25 A. Okay.

1 CONTINUED- STEVEN MAURIELLO

2 Q. Kind of sort of?

3 A. Yeah, friends going out. I
4 wasn't really ready to date anybody.

5 Q. She doesn't work for the police
6 department?

7 A. No. No.

8 Q. She's a nurse in a private
9 hospital or state or city hospital?

10 A. No, she's like a nurse that
11 works for a company. She goes to peoples'
12 houses. She's a nurse that -- RN.

13 Q. You don't know the name of the
14 company she works for?

15 A. No.

16 Q. The next paragraph you say --
17 you're identifying your damages --

18 MR. SMITH: Let's take a short
19 break. It's 15:06. Just going off the
20 record.

21 (Whereupon, a recess was taken.)

22 MR. SMITH: Going back on the
23 record. It's 15:26.

24 Q. The next paragraph refers to
25 damages and there's a statement here that

1 CONTINUED- STEVEN MAURIELLO
2 the total amount of damages are "lost wages
3 of 8,000 to 9,000 per year, emotional
4 distress damages and reputational harm, an
5 unspecified amount not to exceed \$2
6 million." You see those references, sir?

7 A. Yes, sir.

8 Q. Those are your claimed damages
9 in your counterclaim?

10 A. Yes, sir.

11 Q. The loss of wages of \$8,000 to
12 \$9,000 a year, what's that based on?

13 A. Inspector -- I think the
14 difference between inspector and deputy
15 inspector.

16 Q. Do you believe that you would
17 have been promoted to inspector, but for the
18 media coverage about your career?

19 A. Yes, sir.

20 Q. Did anybody at the NYPD tell you
21 that you were being considered for promotion
22 to inspector?

23 A. No.

24 Q. Is the promotion to the position
25 of inspector a promotion that automatically

1 CONTINUED- STEVEN MAURIELLO
2 follows from being deputy inspector?

3 MR. KRETZ: Objection to the
4 form.

5 A. Yes.

6 Q. How many deputy inspectors are
7 there in the NYPD?

8 A. I don't know.

9 Q. How many inspectors are there in
10 the NYPD?

11 A. I don't know.

12 Q. How does one receive the
13 promotion from deputy inspector to
14 inspector?

15 A. Sometimes it's by longevity.
16 I've been a deputy inspector for six years
17 now. Sometimes it's how long you have been
18 in the command to get another promotion.
19 Sometimes they move you to another command
20 or they move you to another spot that's
21 promotional when you have too much time as
22 deputy inspector.

23 Q. Can you explain that answer to
24 me, please?

25 A. Yes. When you're deputy

1 CONTINUED- STEVEN MAURIELLO

2 inspector and run the command, there's a
3 chance you can make full inspector in the
4 same command by longevity. If you're still
5 there for a couple more years, you could be
6 full inspector if they deem to promote you.
7 If they move you to another unit, say
8 narcotics or another precinct, district,
9 housing, they could promote you again. They
10 usually try to move people, deputy inspector
11 to an inspector spot.

12 Q. How many inspector spots are
13 there in the NYPD?

14 A. I don't know.

15 Q. Who makes the decision to
16 promote deputy inspectors to inspectors?

17 A. Police commissioner.

18 Q. Does the police commissioner get
19 any information from anybody else?

20 A. I don't know.

21 Q. Do you have any sense of how
22 long it takes for somebody who is a deputy
23 inspector to be promoted to an inspector
24 position?

25 A. No, but I know for quite a few

1 CONTINUED- STEVEN MAURIELLO

2 people that were captains when I was deputy
3 inspector, now they're inspectors.

4 Q. Who were those people?

5 A. The list -- I'll recall. I have
6 to remember. There is a bunch of them. I
7 look on the sheet all the time.

8 Q. Do you know any deputy
9 inspectors who became inspectors when you
10 were deputy inspector and still are?

11 A. And still are?

12 Q. Let me rephrase that question.
13 You're telling me that there are some
14 captains that you know of who have, since
15 you became deputy inspector, they have
16 achieved title of inspector; is that
17 correct?

18 A. Yes, sir.

19 Q. If I leave a space in the
20 transcript, would you provide me with the
21 names of those?

22 A. Yeah, think about it. Yes.

23 Insert: _____

24

25 Q. Can you tell me of any other

1 CONTINUED- STEVEN MAURIELLO
2 deputy inspectors who became inspectors
3 while you have been just a deputy inspector
4 during that period of time?

5 MR. KRETZ: The people who were
6 deputy inspectors when he was the
7 deputy inspector since becoming
8 inspector?

9 MR. SMITH: Yes, thank you.
10 That's a better --

11 A. I could tell you right now from
12 my PMI class, Promotional -- Police
13 Management Institute, Steve Cirabisi is a
14 full inspector, Joseph Dowling is a full
15 inspector, Ellen Chang is a full inspector.
16 You have that picture. One of the evidence
17 is the picture of my PMI. I could go down
18 it right now to give you the names. I think
19 it's in your pictures.

20 Q. These are the plaques, right?

21 A. Yeah, yeah. What's this?
22 Police Management Institute. Right there.

23 Q. Showing you what's been
24 marked -- well, it's a page with the marking
25 on this page has been cut off. This appears

1 CONTINUED- STEVEN MAURIELLO
2 to be SM352. It's a photocopy of a plaque
3 there saying Police Management Institute.

4 MS. PUBLICKER METTHAM: Could we
5 mark that for the witness, referring it
6 to the witness to refresh his
7 recollection.

8 MR. SMITH: All right. That's a
9 good idea. I am going to mark this as
10 Exhibit 140.

11 Walter, at a break would you
12 mind making photocopies of this for
13 everybody?

14 MR. KRETZ: No.

15 (Plaintiff's Exhibit 140,
16 document, was marked for identification
17 as of this date.)

18 Q. Can you, slowly for the court
19 reporter, please identify the names of the
20 individuals?

21 MR. KRETZ: The names of the
22 individuals listed here. Who were
23 deputy inspectors when he was a deputy
24 inspector who are now inspectors?

25 MR. SMITH: Correct.

1 CONTINUED- STEVEN MAURIELLO

2 A. Ted Berntsen, B-e-r-n-t-s-e-n,
3 Ellen Chang, Steve Cirabisi.

4 Q. Can you spell that, please?

5 A. C-i-r-a --

6 Q. She's got it. She's reading it
7 too.

8 A. Joseph Dowling, Brian Maguire.
9 Then we have a bunch of them that went from
10 captain to DI too on this list during the
11 time.

12 Q. All right. While you have it in
13 front of you, sort of identify those?

14 A. Tell you right now Steve
15 D'Ulisse, Michael Nemoyten, Kevin Nicholson,
16 Anthony Tasso. That's about it.

17 Q. Did all of these individuals who
18 were deputy inspectors receive an \$8,000 to
19 \$9,000 a year raise as a result of being
20 made inspector?

21 A. Only a couple and there's a
22 reason why.

23 Q. Why?

24 A. Alan Abel, I think he got
25 three-quarters, he was in a bad accident. I

1 CONTINUED- STEVEN MAURIELLO
2 just need to look again. Alan Abel is one.
3 Corey Pegues got three-quarters. So both
4 guys got three-quarters injury and the last
5 one was John Argenziano, he retired deputy
6 inspector.

7 Q. My question is that the
8 individuals that you just identified were
9 deputy inspectors and then made inspector;
10 did they all receive the \$8,000, \$9,000 a
11 year increase in salary?

12 A. Yes, sir.

13 Q. How do you know that?

14 A. That's automatic.

15 Q. Is that a collective bargaining,
16 collective agreement that governs their
17 salaries?

18 A. I think so, yes.

19 Q. Are inspectors part of the same
20 union you're part of now?

21 A. Yes, sir.

22 Q. Alan Abel, he's still a deputy
23 inspector?

24 A. He got a three-quarter's injury.
25 He hurt his neck. He's out. He retired as

1 CONTINUED- STEVEN MAURIELLO
2 deputy inspector, but three-quarter's
3 salary.
4 Q. And John Argenziano?
5 A. He retired.
6 Q. As a deputy inspector?
7 A. Yeah, but he retired a while
8 ago.
9 Q. And William Castillo retired?
10 A. He's a civilian, so he doesn't
11 count.
12 Q. What's his title?
13 A. I forget. He's a civilian
14 member of the service.
15 Q. And Stephen Cirabisi,
16 C-i-r-a-b-i-s-i?
17 A. He's an inspector.
18 Q. Where?
19 A. One Police Plaza.
20 Q. Dennis Clary?
21 A. Retired inspector.
22 Q. And Steven D'Ulisse?
23 A. He was a captain deputy
24 inspector.
25 Q. He's a deputy inspector now?

1 CONTINUED- STEVEN MAURIELLO

2 A. Yes.

3 Q. Brian Maguire?

4 A. Full inspector now.

5 Q. Michael Nemoyten?

6 A. He went from captain, deputy
7 inspector.

8 Q. Kevin Nicholson?

9 A. Captain, deputy inspector.

10 Q. Corey Pegues.

11 A. He retired three-quarters,
12 deputy inspector, but he was in a command
13 where he would have been inspector.

14 Q. And Anthony Tasso?

15 A. Captain, deputy inspector.

16 Q. This list that we have just been
17 talking about, this is the PMI class that
18 you took in 2009?

19 A. Yes, sir.

20 Q. When did you take this class?

21 A. I guess beginning of 2009 to end
22 of 2009.

23 Q. What's your date of birth?

24 A. 9/13/67.

25 Q. Do you have an expected

1 CONTINUED- STEVEN MAURIELLO

2 retirement date?

3 A. No.

4 Q. Do you expect to retire at any
5 time?

6 A. Eventually, yes, it would be
7 nice.

8 Q. Do you have in mind today a
9 targeted date for when you would like to
10 retire?

11 A. No.

12 Q. Do you have a targeted rank that
13 you would like to achieve before retiring?

14 A. No.

15 Q. In the damages section of your
16 interrogatories, it says that you're seeking
17 emotional distress damages and reputational
18 damages in an amount not to exceed \$2
19 million. Can you tell me the basis for your
20 request for at least \$2 million in damages?

21 A. For the amount of damage in
22 interpretation to my career and public
23 humiliation, to the damage to my family, to
24 the ex-wife, to my mother, to my friends,
25 co-workers that I suffered public